

Sanpete County Planning Commission Meeting

January 9, 2013, 6:30 P.M.

Sanpete County Courthouse, 160 North Main, Room 101, Manti, Utah

Present are: Planning Commission Chair Thell Stewart, Mary Anderson, Leon Day, Joe Nielsen, Nathan Palmer, Curtis Ludvigson, Alternate, Sanpete County Commissioner Steve Frischknecht, Sanpete County Zoning Administrator Scott Olsen and Sanpete County Deputy Clerk Gayelene Henrikson. (Gene Jacobson, Paul Rasmussen are excused.)

Meeting is called to order by Chair Thell Stewart.

Thell welcomes and introduced Curtis Ludvigson as an alternate on the Planning Commission Board. He has been a life-long resident of Sterling.

DAVID ASAY AND ASPEN GROVE ASSETS: REQUESTS APPROVAL OF A CONDITIONAL USE PERMIT FOR A CAMPGROUND (LEGACY GROVE CAMPGROUND) ON 10 ACRES ADJACENT TO AND ON THE SAME PARCEL AS THE HERITAGE GROVE CAMPGROUND PROPERTY WITH 198.66 ACRES IN THE A ZONE ON S 26622. LOCATED 2 ½ MILES SOUTH EAST OF MT. PLEASANT.

David Asay is present. Plan is provided. Mr. Olsen reviewed the request. The Heritage Grove Campground is booked at the beginning of the year, creating the desire to expand and create another campground with three groups of sleeping units clustered together, tent and RV space. The roads in the campground are gravel. Location is discussed. The campground is in the middle of the parcel. A meadow is in the middle of the proposed campground and the existing one. The layout of the campground is designed to make the best use of the land and water. They have a current business license and the county receives tax revenue from the campground and will from this one as well. Mr. Stewart doesn't have a problem with the 10 acres limit, but he wondered why the ordinance has a 10 acre limit. Mr. Olsen said the ordinance at some period of time put the stipulation on the acreage limit.

Mr. Palmer asked what the master plan of Aspen Grove Assets is. He expressed concern as to the continued expansion of the land, including the 100 home subdivision. This is their second time expanding and they seem to be taking away from the original zone of the land. How far are they planning to expand before stopping? The land is zoned Agricultural for reasons. Mr. Asay explained Aspen Grove Assets own over 800 acres total and have improved the land since purchasing the land. They harvest potatoes and plan to plant fruit trees in the north part of the acreage. The area has established water shares with a public water system that are regulated by the State. The raven has been left agricultural, with Mr. Stewart reminded the board that it doesn't matter who owns the property and what their master plan is when considering the conditional use permit on this item, as the other acreage is not part of this request.

Conditions placed on the permit need to adhere to campground code, maximum usage, and time frame of campground occupancy. The ordinance for campground doesn't stipulate a time frame for stay. However, Mr. Asay assures the board members the

campground is used by Scout groups, Young Men/Young Women camps and weekend vacationers, who don't stay the whole summer. Mr. Asay will need to come again to get approval from the board for a conditional use permit for the sleeping units that are included on the plan. Mr. Ludvigson asked if there have been any complaints about the other campground. There have not been any complaints and they have complied with the permit on the Heritage Grove Campground.

Motion is made by Joe Nielsen to approve a conditional use permit for a campground on 10 acres adjacent to and on the same parcel as the Heritage Grove Campground property with the same conditions as the previous campground (Heritage Grove Campground) which are: a new business license and abide by the campground, state and local rules. Motion is seconded by Curtis Ludvigson. Motion passes with Nathan Palmer opposing.

SHAYDON HERMANSEN: REQUESTS APPROVAL OF A ZONE CHANGE OF HIS PROPERTY FROM A ZONE TO BC ZONE. LOCATED 1 ½ MILES EAST OF GUNNISON IN THE A ZONE WITH 7.7 ACRES ON S 10149X. THE PROPERTY WILL BE USED FOR A COMMERCIAL FERTILIZER AND AGRICULTURAL SUPPLY BUSINESS.

Matter has been tabled to February Meeting.

SHAYDON HERMANSEN: REQUESTS APPROVAL OF A 1- LOT MINOR SUBDIVISION. LOCATED 11/2 MILES EAST OF GUNNISON IN THE A ZONE WITH 7.7 ACRES ON S 10149X. SUBDIVISION IS FOR A COMMERCIAL FERTILIZER AND AGRICULTURAL SUPPLY BUSINESS.

Matter has been tabled to February Meeting.

LARRY PATTERSON AND GENEVA ROCK: REQUESTS APPROVAL OF A CONDITIONAL USE PERMIT FOR A MINING OPERATION TO REMOVE GRAVEL FROM AN EXISTING PIT. LOCATED SOUTH WEST OF STERLING IN THE PRESENT RA-1 + RA-2 ZONES WITH 84.66 ACRES ON S 10382.

Brent Sumsion, Wayne Patterson- Larry's brother, are present. The gravel pit is ½ to 1 mile west of Sterling, behind the hill. This item has been tabled for the last three months waiting for agreements to be made between the parties and the County. Mr. Olsen reviews what items were discussed between Sterling City leaders, Sterling's Attorney- Kay McIff, County Attorney- Brody Keisel, County Commissioners, the Patterson's, and their Attorney- Mr. Silar, a month ago in Sterling.

A letter was sent to Mr. Sumsion and some of the stipulations within the letter have changed after talks between the parties. Mr. Olsen reviewed with the board members the conditions the County Attorney and Mr. Silar agreed upon.

A. Equipment can be brought in using Center Street, but the removal of the rock will be through the west road.

B. Travel route is designated. The west road will become the access. This access is a Class B road, which is a gravel road. This road connects to Highway 89 on the north end of Sterling.

- C. Road maintenance. The road is a Class B road and is maintained by the County. Geneva will be required to water down the road to control the dust. Damage to road is the County's responsibility.
- D. Don't impose close to the Pettyville Cemetery.
- E. Removal of gates presently on the road
- F. Adequate strength of bridges

Gates on the road: The Class B road runs to the point where the road turns and goes across the canal to the yards. Discussion ensued as to where the Class B road ends and the undetermined Class road begins; whether the road is public access.

All Class B roads are public access roads. It is wrong to have the road be gated. In order for the Patterson's to control their cattle, they can install cattle guards or fences. Mr. Patterson felt that fencing would be more adequate than the cattle guard to block off the property. Mr. Day suggested the fencing be set back 50' from the road to allow for the right-of-way.

Road and Turnaround: Discussion ensued as to the route of the Semis to haul the rock out of the pit using the west entrance of the pit, along the county road and connects to Highway 89 on the north end of Sterling. Mr. Day asked if Geneva was still considering building a new road. Mr. Sumsion responded that this route is the best and solves the issue Tim Denton was nervous about with the building of a new road by his property and having dust on his hay. Plus the County doesn't want to build a road. The board decided to use the existing road only with an open option for the Patterson's to build a road for their private use.

Mr. Day asked about putting a turnout in so maintenance can turn around. The maintenance trucks need to have a turnaround from plowing snow. At this point there is not a sufficient spot to turn around. Discussion ensued as to where this turn around should be placed. The road is wide enough for two trucks to pass, but at the rate of speed of 5 mph. With irrigation not in the way, Mr. Day would like to have the Patterson's dedicate a right-of-way for the extra width of the road for improvements to the road and an adequate turn around. He recommends the road width be 60' to accommodate the safety operation of trucks on the road. Mr. Nielsen suggested 50'. Mr. Sumsion figured 40' would be adequate. Mr. Ludvigson expressed concern for the residences further north and how they will be affected by road width. Mr. Patterson would rather not agree to this amount of right-of-way.

Mr. Day questioned when the board can we get a right-of-way agreement. If the gravel pit comes back to get approval for a Batch Plant when the need is greater, the Planning Commission can ask for a right-of-way agreement then. Mr. Patterson said he would not be opposed to saying yes to agree to a right-of-way when it comes to the Planning Commission for the Batch plant. A Batch Plant for asphalt and cement is not allowed in RA zone, so the area would need to be re-zoned.

Dust Control: State regulates the dust control of the pit.

Dust on road: County Attorney with Mr. Silar made a point that at the end of July to analyze the effect of the dust. When they are operating, Geneva will water the road to maintain dust control on the road.

Bridges: The two bridges have adequate reinforcement to handle the weight load of the rock. They have been in existence for over 30 years. Mr. Olsen reported that Steve Keller has approved the bridges, however the asphalt road is only chipped, so he had a concern that the usage might not be adequate for the semi's to travel on without damaging the chipping. Discussion ensued on who would fix the bridge if the bridge fails. Does the County become reliable for fixing the bridge? Should State, Federal, and other officials determine if the bridges are not holding up?

Mr. Ludvigson expressed concern of the liability the County will take on with the width of the road and stability of the bridges. Mr. Nielsen countered the fact that any road the County has comes with a liability.

Safe operation along road: There is a hill in the middle of the road that impairs vision to oncoming traffic. The turn going into the creek bottom is narrow. Mr. Sumsion didn't see a concern with the speed limit being 25 mph.

water: adequate.

Hours of operation: normal hours of operation.

Brent will receive a copy of the letter with the conditions incorporated in the conditional use permit. Mr. Stewart will sign the agreement next month at the Planning & Zoning meeting.

CONDITIONS OF THE CONDITIONAL USE PERMIT ON THE GRAVEL PIT

1. Sterling Center Street may not be used for hauling rock out. Equipment may be transported in on the Center Street.
2. Class B road has to have public access with no gates placed on roadway. Time limit on when the gates need to be removed and building the turnaround for maintenance is discussed, with nothing agreed upon for the time frame. Gates on the north portion of the road needs to be removed. Trucks may not have standard travel on Marxville Road. The map will stipulate the route.
3. Control dust on the designated roadway with the first evaluation to come the end of July 2013, the State will control the dust on the pit.
4. Gravel pit will adhere to the identified area on the mapped plan. Placement of turnaround and route as the commission discussed.
5. Bridges, and if they are not holding up- Geneva and County will meet and determine who is going to fix it.
6. Option to build own road.
7. Operating hours- regular working hours unless UDOT mandates nighttime. Location is far enough away that light and noise pollution will not be an issue to Sterling residents.

Motion is made by Joe Nielsen to approve a conditional use permit with the conditions stipulated for a mining operation to remove gravel from an existing pit. Motion is seconded by Nate Palmer. Motion passes. Curtis Ludvigson abstains.

APPROVAL OF MINUTES

Motion is made by Mary Anderson to approve the Planning Commission minutes of November 14, 2012 with no corrections. The motion is seconded by Leon Day, and the motion passes.

OTHER BUSINESS

Mr. Day asked if future meeting agendas can include an option of a work meeting at the end to discuss different topics. Members agreed that would be a good idea.

With no further business before the Planning Commission, motion to adjourn is made by Thell Stewart. The motion is seconded by Mary Anderson, and the motion passes.

The meeting is adjourned at 8:15 P.M.